REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 1-28 are pending in this application. Claims 1-28 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. patent 5,566,291 to Boulton et al. (herein "Boulton") in view of U.S. patent 5,086,393 to Kerr et al. (herein "Kerr").

Addressing the above-noted rejection, claims 1-28 are believed to clearly distinguish over Boulton in view of Kerr.

In the previous Amendment filed April 22, 2003, each of the independent claims was amended to clarify that the direct monitoring of the user selections of the plurality of operations of the interface was performed "automatically upon start-up of the target application". As explained in that Amendment, in the claimed invention the monitoring is automatic upon start-up of a target application and does not require the user to execute any specific operations, besides starting-up the target application, to begin the monitoring.

With respect to the above-noted feature the outstanding Office Action now appears to rely on the teachings in Kerr et al. Specifically, the Office Action states:

> The difference between [Boulton et al.] and the claim is the step of automatically upon start-upon of the target application. Kerr et al. shows the limitation at column 2, lines 15-13 and column 3, line 55 through column 4, line 10. The users do not need to tell the system to capture this operation or that one but the program automatically captures them. It would have been obvious to one of ordinary skill in the art, having the teachings of Boulton et al. and Kerr et al. before them at the time the invention was made to modify a method of monitoring taught by Boulton et al. to include the step of automatically monitoring user inputs of Kerr et al., with a motivation being to make efficient collecting, logging and communicating to a desired location by Internet email as taught by Kerr et al.[1]

The above-noted basis for the outstanding rejection is improper in two different aspects. First, Kerr does not in fact teach the feature relied upon in the Office Action.

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[1] Office Action of July 2, 2003, page 3, last 11 lines.

Second, the teachings in <u>Kerr</u> could not be combined to the teachings in <u>Boulton</u> as that would destroy the entire operation and objective of the device of <u>Boulton</u>.

With respect to the first point, the outstanding Office Action cites <u>Kerr</u> at column 2, lines 15-13, and column 3, line 55, to column 4, line 10. Those teachings in <u>Kerr</u> do not even teach the features relied upon in the basis for the rejection.

At column 2, lines 5-13, <u>Kerr</u> merely discloses the system being able to capture human factor data, and at that disclosure <u>Kerr</u> does not even address any type of automatic operation.

Further, at column 4, lines 3-5, <u>Kerr</u> specifically states "[t]he *user then accesses, by toggling*, the console 10 and begins to execute the SESSION program 12 which has been previously loaded in the console 10" (emphasis added). The above-noted passage makes it clear that the *user* must take an affirmative step, specifically toggling the console, to begin the execution of the SESSION program 12. Therefore, it is believed to be incorrect in the Office Action that <u>Kerr</u> discloses an automatic monitoring, i.e. <u>Kerr</u> does not disclose a monitoring not requiring any operation by a user besides starting-up of a target application.

Secondly, the above-noted teachings in <u>Kerr</u> could not be applied to the teachings of <u>Boulton</u> as that would destroy the entire operation and objective of the device of <u>Boulton</u>.

<u>Boulton</u> is specifically directed to a device that allows a user to generate feedback by entering a feedback mode and typing in feedback comments into a computer. Those feedback comments can then be sent to an appropriate party.[2] <u>Boulton</u> specifically discloses such an operation at, for example, step 286 in Figure 20. As noted in that step in Figure 20 the logic, for example of the CPU 12, checks in turn whether the *user has selected* to input feedback by checking the feedback icon of the learner interface.[3]

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[2] See, for example, the abstract of <u>Boulton</u>.
[3] See also, for example, <u>Boulton</u> at column 39, lines 56-64.

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In such ways, it would be impossible to modify <u>Boulton</u> to automatically perform a feedback operation because in <u>Boulton</u> the *user must type in the feedback data*. There is simply nothing to be automatically fed back in the device of <u>Boulton</u>. <u>Boulton</u> requires, and could not operate without, the *user initiating* the feedback.

In such ways, modifying <u>Boulton</u> in view of <u>Kerr</u> as suggested in the Office Action could not have been suggested to one of ordinary skill in the art as that would render the device of <u>Boulton</u> inoperable for its intended purpose.

For such reasons, it is clear that the outstanding rejection is improper and that each of claims 1-28 patentably distinguishes over the applied art.

Further, many of the dependent claims are believed to further distinguish over the applied art in manners believed to still have not been recognized in the Office Action.

With respect to dependent claims 2, 9, 16, and 23, the noted portions in <u>Boulton</u> clearly do not teach or suggest such features. The Office Action first appears to cite <u>Boulton</u> at column 5, lines 8-18, and column 15, lines 40-50, as meeting such limitations.[4] Another portion of the Office Action appears to cite <u>Boulton</u> at column 4, lines 47-55, and column 10, lines 3-20 and 35-46, as meeting such features.[5]

In any event, the teachings in <u>Boulton</u> significantly differ from the claimed features. Merely because <u>Boulton</u> discloses that a user can input feedback while using different devices does not meet the claim limitations. Claim 2, in conjunction with claim 1 from which claim 2 depends, as an example, requires that the interface being monitored is a display screen of a software application. Again, what <u>Boulton</u> discloses as the monitoring is a user's typed in feedback, which clearly differs from automatically monitoring a user's selection of an interface of a software application.

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[4] Office Action of July 2, 2003, page 4, lines 6-8.
[5] Office Action of July 2, 2003, the sentence bridging pages 5 and 6.

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Further, with respect to dependent claims 4, 11, 18, and 25, merely because a user can type in comments about an appliance does not indicate that Boulton discloses or suggests monitoring how a user utilizes an operation panel of the appliance. That is, in the above-noted claims, how a user utilizes an operation panel on an appliance is monitored. The teachings in Boulton that a user can type in his or her comments about an appliance does not at all even address automatic monitoring of how a user utilizes an operation panel of the appliance.
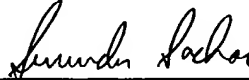
Further, with respect to dependent claims 6, 13, 27, a broad statement in Boulton that feedback data must be organized does not even approach addressing the positively recited features of those claims. The above-noted claims specifically indicate setting a number of sessions of a target application prior to communicating a log of monitored data. The broad statement in Boulton of organizing feedback data is not even similar to such features. It is completely unclear on what basis the outstanding Office Action can take a broad statement for organizing data and apply such features to the specific features recited in claims 6, 13, and 27.

Further, with respect to dependent claims 7, 14, 21, 28, the noted teachings of Boulton at column 9, lines 45-60, and column 39, lines 50-55, still do not even approach teaching sending the log of the monitored data by internet mail, and it is unclear on what basis the outstanding rejection is making such an assertion. The features in the above-noted claims clearly further distinguish over the teachings in Boulton.

As no other issues are pending in this application, it is respectfully submitted that the

present application is in condition for allowance, and it is hereby respectfully requested that

this case be passed to issue.

Respectfully submitted,

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